

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE C. SWINYER JR.,

Plaintiff,

v.

MICHAEL COLE *et al.*,

Defendants.

Case No. C04-5348RBL

ORDER

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion to compel. (Dkt # 23). Plaintiff does not indicate he has met and conferred with opposing counsel prior to filing this motion as required by Local Rule 37 (a) (2). The motion is therefore **DENIED WITHOUT PREJUDICE**.

The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

DATED this 20<sup>th</sup> day of October, 2004.

/S/ J. Kelley Arnold  
J. Kelley Arnold  
United States Magistrate Judge